

**TESTIMONY**  
**HB1141 HD1**  
**LATE**



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE  
GOVERNOR  
THEODORE E. LIU  
DIRECTOR  
MARK K. ANDERSON  
DEPUTY DIRECTOR

No. 1 Capitol District Bldg., 250 South Hotel St., 5th Flr., Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804  
Web site: [www.hawaii.gov/dbedt](http://www.hawaii.gov/dbedt)

Tel.: (808) 586-2355  
Fax: (808) 586-2377

**LATE TESTIMONY**

Statement of  
**THEODORE E. LIU**  
Director

Department of Business, Economic Development, and Tourism  
before the

**SENATE COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN  
AFFAIRS**

AND

**SENATE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY**

Wednesday, March 18, 2009

4:00 PM

State Capitol, Conference Room 229

in consideration of

**HB 1141, HD1**

**RELATING TO THRILL CRAFT OPERATION.**

Chairs Hee and Fukunaga, Vice Chairs Tokuda and Baker, and Committee members.

The Department of Business, Economic Development, and Tourism (DBEDT) supports HB1141, HD1 which proposes to authorize certain operations approved by the Department of Land and Natural Resources (DLNR) to utilize thrill craft in non-designated areas. DBEDT strongly supports this measure.

Currently, Section 200-37(c), Hawaii Revised Statutes (HRS), only allows individuals to operate thrill craft in designated areas of state waters. DBEDT defers to DLNR on the substantive matters with regard to operating thrill craft in non-designated areas by state personnel. We are in wholehearted support of the section of this bill that proposes to allow authorized film production permit holders to conduct operations approved by DLNR in non-designated areas. Currently, the use of jet skis for film shoots is limited to water safety usage. This exemption in this measure would allow the use of jet skis as picture vessels, for transport of cast and crew members and for use for camera positioning.

As a filming location, Hawaii has a global reputation especially for its pristine waters and world-class surf. For this reason a significant number of local and off-shore productions film in Hawaiian waters annually and have given rise to some of the best water safety experts the film industry has ever known. And as film shoots are temporary in nature, DBEDT does not foresee a negative impact to the public or an adverse effect on the natural environment. Of course, DBEDT would work in conjunction with DLNR to establish Administrative Rules governing the issuance of film permits for the use of jet skis in non-designated areas.

Regarding the language to assess fees for the use of jet skis for filming purposes, DBEDT recommends that this language be deleted because film permit fees are not mandated through the Hawaii Revised Statutes or the Hawaii Administrative Rules. Instead, DBEDT recommends that the same assessment of fees for film permits issued involving DLNR Division of Boating & Ocean Recreation (DOBOR) facilities (small boat harbors) extend to those DOBOR-related film

permits that involve use of jet skis and other motorized vessels. These fee assessment changes for film permits can be handled within the existing Memorandum of Agreement between DLNR and DBEDT.

The DBEDT urges passage of this bill.

Thank you for the opportunity to offer testimony on this measure.

**LATE TESTIMONY**

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# HAWAII FILM & ENTERTAINMENT BOARD

## LATE TESTIMONY



*Brenda Ching, Chair  
Screen Actors Guild*

SENATE COMMITTEE ON WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS

*Chris Conybeare, Esq.*

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY

*Donovan Ahuna  
I.A.T.S.E., Local 665*

March 18, 2009 – 4:00 pm  
State Capitol, Conference Room 229

*Benita Brazier  
Maui Film Commission*

RE: HB 1141 HD1 – RELATING TO THRILL CRAFT OPERATIONS

*Walea Constantinau  
Honolulu Film Office*

Dear Chairs Hee and Fukunaga, Vice Chairs Tokuda and Baker and members of the committee:

*Donne Dawson  
Hawaii Film Office*

The Hawaii Film and Entertainment Board, whose members include all of Hawaii's film unions, film commissions and leading industry associations, thank the legislature for its strong support of Hawaii's film industry. We support **HD 1141 HD1** which seeks to allow for authorized use of thrill craft in non-designated areas by permit holders.

*Jeanne Ishikawa  
Teamsters, Local 996*

One of the reasons production entities come to film in Hawaii is our expertise at water-based filming given our environment. Logistical and creative factors dictate where water scenes must be filmed, most of which are in non-designated thrill craft areas.

*Leroy Jenkins  
H.I.F.A.*

Thrill craft, also known as jet skis, are one of the most effective water safety devices employed today, and as such are used as primary marine safety and camera platform devices around the world. This measure would allow safety personnel the flexibility to use the most effective tools necessary to keep production personnel safe while filming water-based scenes.

*John Mason  
Big Island Film Office*

We respectfully ask that the sunset date be removed and replaced with a mandatory reporting requirement to the legislature by DLNR next year to be able to assess the impact of the measure.

*Brien Matson  
A.F.M., Local 677*

*Stephanie Spangler  
F.A.V.A.H.*

Thank you for the opportunity to provide these comments.

*Art Umezu  
Kauai Film Commission*

Sincerely,

*Randall Young  
I.B.E.W., Local 1260*

Brenda Ching  
Chair

**SENATE COMMITTEE ON WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS**

Senator Clayton Hee, Chair  
Senator Jill N. Tokuda Vice Chair

**SENATE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY**

Senator Carol Fukunaga, Chair  
Senator Rosalyn H. Baker, Vice Chair

**HOUSE BILL 1141, HD1, RELATING TO THRILL CRAFT OPERATION**

Wednesday, March 18, 2009  
Senate Conference Room 229  
4:00 PM

**LATE TESTIMONY**

**TESTIMONY IN OPPOSITION**

**Honorable Senators:**

**House Bill 1141, HD1, appears to be a wolf in sheep's clothing. This measure allows liberties of adverse impacts to be taken where none have been allowed before. Our fragile near shore waters and marine ecosystems and habitats are at stake. Please kill this bill.**

It is truly bizarre that government monitoring and enforcement would be coupled with a special industry interest in an enabling measure to open up protected areas to environmental invasion for commercial interest. Film companies are known for their hard-core tactics and disregard of caring for and protecting properties loaned for filming purposes. The absence of basic reasoning in this measure is evident given that film companies take and retake multiple scenes at any given location. Thus this type of impact could be even more extreme than that opposed by the interested and affected public in failed bills SB 367 and HB 1310.

We have heard the hook and bait from commercial thrill craft operators about how much money is contributed by these operations to DLNR, state taxes and unemployment insurance coffers. DLNR is not known to look the other way when money is in the wings. Thrill craft operators want to be allowed to continue doing what they are doing and expand their operations. At one hearing we heard what appeared to be a threat to increase this pressure.

There is a clear history of legislative reasoning for the existing statute, which was wisely developed and enacted out of concern for public safety and protection of the marine environment. This measure, House Bill 1141, is contrary to the strident efforts by environmental organizations and scientists to restore, protect and preserve the habitats of Hawaii's fragile protected marine ecosystems, not just for the moment but for future generations. One such example is the UH Kewalo Marine Lab marine conservation effort.

**I therefore respectfully request that House Bill 1141, HD1, be held, or otherwise made devoid of any film industry allowances. By doing so your committees will have an opportunity to receive and review the facts of such impacts provided by the scientific and environmental communities.**

Sincerely,  
Michelle S. Matson

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**TESTIMONY**  
**HB1141 HD1**  
**LATE**  
**(END)**